

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT FRAZIOR DENTON,

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION,

et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Case No. 3:13-cv-1243-DGW-SCW

ORDER

WILKERSON, Magistrate Judge:

On June 13, 2014, a hearing was held on the pending motions in this matter:

1. Motions for More Definite Statement filed by Illinois Tool Works, Inc., Baltimore Aircoil Company, Caterpillar, Inc., Clow Corporation, Foseco, Inc., Georgia-Pacific Corporation, Industrial Holdings Corporation, Ingersoll-Rand Company, Kennedy Valve Company, a division of McWane, MW Custom Papers LLC, Nalco Company, Trane US, Inc., Velan Valve Corporation, Wabco Holdings, Inc., and Lear Siegler Diversified Holdings Corporation (Doc. 43, 45, 349).
2. Motion to Remand filed by Plaintiff on December 20, 2013 (Doc. 62).
3. Motions to Dismiss filed by Conoco Phillips Company, Sherwin Williams Company, NRG Texas Power, LLC, Rohm and Haas, Mitsubishi Electric USA, Inc., Chevron Corporation, Chevron USA, Inc., Gulf Oil Corporation, and Texaco, Inc. (Docs. 114, 180, 368, 498, 522, 539).
4. Motion to have all Counterclaims Deemed Filed and Answered Pursuant to

F.R.C.P. 5(c)(1)(B), filed by Essex Specialty Products, LLC, Ethyl Corporation, Graybar Electric Company Inc, Honeywell, Inc., The Dow Chemical Company, and Union Carbide Corporation (Docs. 352, 452).

5. Motions for Extension of Time filed by Chevron Corporation, Chevron USA, Inc., Gulf Oil Corporation, Texaco, Inc. and Vanderbilt Minerals LLC (Docs. 540 and 560).
6. Motions to Dismiss for Failure to State a Claim as to Counts IX and X of Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) filed by General Electric Company, Chicago Bridge & Iron Company, Bird Incorporated, and Ajax Magnethermic Corp. (Docs. 588, 589, 590, 591).

For the reasons set forth at the hearing and below, the following is hereby **ORDERED**:

1. The Motions for More Definite Statement (Docs. 43, 45, 349) are **MOOT**. Defendants represented at the hearing that these Motions are withdrawn in light of Plaintiff's representation that an amended pleading will be filed.
2. The Motion to Remand (Doc. 62) is **DENIED**. A written Order on this Motion shall be issued shortly.
3. The Motions to Dismiss (Docs. 114, 180, 368, 539) are **TAKEN UNDER ADVISEMENT**, a written Order on these motions shall be issued shortly. The Motion to Dismiss filed by Rohm and Has Company (Doc.498) is withdrawn and therefore found as **MOOT**. And, The Motion to Dismiss filed by Mitsubishi Electric USA, Inc. (Doc. 522) is found as **MOOT** in light of the stipulation of

dismissal filed on June 12, 2014 (Doc. 652).¹

4. The Motion to have all Counterclaims Deemed Filed and Answered Pursuant to F.R.C.P. 5(c)(1)(B) (Docs. 352, 452) are **TAKEN UNDER ADVISEMENT** pending submission of the documents requested at the hearing.
5. Motions for Extension of Time (Docs. 540 and 560) are **GRANTED**. The responsive pleadings filed by Chevron Corporation, Chevron USA, Inc. Gulf Oil Corporation, Texaco, Inc. and Vanderbilt Minerals LLC are deemed timely filed.
6. The Motions to Dismiss for Failure to State a Claim as to Counts IX and X (Doc. 588, 589, 590, 591) are found as **MOOT** in light of these motions being withdrawn at the hearing.

IT IS SO ORDERED.

DATED: June 20, 2014

DONALD G. WILKERSON
United States Magistrate Judge

¹ As noted in the Scheduling Order, the parties have until June 23, 2014 to object to any stipulation of dismissal that has already been filed. To the extent that a party does object to a stipulation that is relevant to the motions ruled on by this Order, the Court will reconsider the rulings upon motion of a party.